

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

W. A. DREW EDMONDSON, in his)
capacity as ATTORNEY GENERAL)
OF THE STATE OF OKLAHOMA and)
OKLAHOMA SECRETARY OF THE)
ENVIRONMENT C. MILES TOLBERT,)
in his capacity as the)
TRUSTEE FOR NATURAL RESOURCES)
FOR THE STATE OF OKLAHOMA,)

Plaintiff,)

vs.)

4:05-CV-00329-TCK-SAJ

TYSON FOODS, INC., et al,)

Defendants.)

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THE DEPOSITION OF JIM LANCE
PIGEON, produced as a witness on behalf of the
Plaintiff in the above styled and numbered cause,
taken on the 25th day of May, 2007, in the City of
West Siloam Springs, County of Delaware, State of
Oklahoma, before me, Lisa A. Steinmeyer, a Certified
Shorthand Reporter, duly certified under and by
virtue of the laws of the State of Oklahoma.

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EXHIBIT

37

1 grower in December of '95?

2 A No. It was prior to that.

3 Q Prior to that?

4 A Yes.

5 Q All right. Identify, if you would, please, 09:15AM
6 each of the integrators that you have worked for in
7 providing poultry growing operations.

8 A I don't think I understand.

9 Q Have you had more than one integrator that you
10 provided poultry products to? 09:16AM

11 A Yes.

12 Q All right. Name those entities.

13 A Peterson Farms and Tyson Foods.

14 Q What were the years that you operated a farm
15 for Peterson Farms? 09:16AM

16 MR. BOND: Object to the form.

17 A I believe I raised chickens for Peterson from
18 December of '95 to February or March of 2004.

19 Q And that was a continuous time frame that you
20 worked growing chickens, providing chickens to 09:16AM
21 Peterson Farms?

22 A Yes.

23 MR. WILLIAMS: What was the date again;
24 from when to when? I'm sorry.

25 MR. GARREN: He testified 12-95 to 2 or 3 09:16AM

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1 of '04.

2 Q Did you immediately then begin producing
3 poultry products for Tyson on or about February or
4 March of '04?

5 A Yes, I did. 09:17AM

6 Q And have you continuously worked then for
7 Tyson -- have you continuously grown chickens for
8 Tyson since that time?

9 A Yes, I have.

10 Q Let me hand you what's been marked as Exhibit 09:17AM
11 No. 1 and this I'll represent to you is a copy of
12 the subpoena with the attachment that was provided
13 to your counsel. Have you seen this document
14 before?

15 A Yes, I have. 09:17AM

16 Q I'm going to refer you to the exhibit that's
17 attached to that document and I'd ask you to tell me
18 if there's any category by the number listed there
19 that would indicate documents you either did not
20 find or did not produce in your document production 09:18AM
21 pursuant to the subpoena.

22 A Okay. I'm sorry. Could you repeat your
23 question?

24 Q What I'm trying to determine is what documents
25 you didn't have or you didn't produce and then I'm 09:22AM

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1 MR. HIXON: Object to form.

2 A I'm sorry, could you ask that again?

3 Q Do the service techs advise you on changes you
4 should make in your growing operation when they come
5 to see you?

10:43AM

6 MR. HIXON: Object to form.

7 A Yes, they would.

8 Q Is that the same for both Peterson and Tyson
9 in your experience?

10 MR. BOND: Object to form.

10:44AM

11 A Yes.

12 Q When a service rep would come to your farm, is
13 it typical that on the report that they fill out it
14 shows where they have checked the temperature and
15 the controls of the temperature of the barns?

10:44AM

16 MR. BOND: Object to form.

17 A What are you asking?

18 Q Do the service techs check the temperature in
19 the barns when they come and inspect your
20 facilities?

10:44AM

21 A Yes.

22 MR. BOND: Object to form.

23 Q And does Peterson and Tyson both do that,
24 their service reps?

25 A I'm sure they do, yes.

10:44AM

1 Q And do the service reps for both Tyson and
2 Peterson when they inspect check the ventilation of
3 the barns?

4 MR. HIXON: Object to form.

5 A I'm sure they do, yes. 10:45AM

6 Q All right. Do you know that they do that or
7 are you just surmising?

8 A I assume that they all do, having been a
9 service tech myself.

10 Q And they leave reports sometimes checking 10:45AM
11 where they have checked the box where the
12 ventilation is good or poor for something like that;
13 correct?

14 A Sometimes they do, yes.

15 Q All right. When the service reps come, do 10:45AM
16 they check the water supply to the birds?

17 MR. HIXON: Object to the form.

18 A I can't say whether they do or not.

19 Q Do they indicate on any kind of form that they
20 have when they've left the form with you after an 10:45AM
21 inspection?

22 MR. HIXON: Object to form.

23 A I think there is a spot on the service report
24 for that, but to know exactly or specifically that
25 they have checked, I can't say. 10:46AM

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1 Q If they've checked it that they have, you
2 would think they had, wouldn't you?

3 A I would assume they have.

4 Q But both Tyson and Peterson have some similar
5 form that they fill out indicating that they may 10:46AM
6 have checked water supply, do they not?

7 A I believe so.

8 Q And, likewise, when Peterson and Tyson service
9 reps come, do they also check the feed delivery
10 mechanism system for the birds? 10:46AM

11 MR. HIXON: Object to form.

12 A Again, having been a service tech myself, I
13 would assume that they do.

14 Q All right, and as far as you know, Tyson and
15 Peterson both do that? 10:46AM

16 MR. HIXON: Object to form.

17 A I would assume so.

18 Q Do you have any information that indicates
19 they haven't?

20 A Any information? 10:47AM

21 Q Yeah, or facts that would support that they
22 don't do that?

23 MR. HIXON: Object to form.

24 MR. BOND: Object to form.

25 A No. 10:47AM

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1 Q All right. When service reps for either
2 Peterson and/or Tyson come, in your experience have
3 they left comments that might recommend certain
4 maintenance chores they would like to see you
5 perform? 10:47AM

6 MR. HIXON: Object to form.

7 A Sure.

8 Q Who supplies the bird catchers at the end of
9 grow-out in order to gather the flock for removal?

10 MR. BOND: Object to form. 10:47AM

11 A The integrator has crews for that purpose.

12 Q Are you charged a fee for those catchers to
13 come and pick up those birds?

14 A Not that I'm aware of.

15 Q And that's by either Tyson or Peterson? 10:48AM

16 A Correct.

17 Q Does Peterson Farms, when you worked for them,
18 did they provide you grower manuals or handbooks?

19 A I believe they did.

20 Q Does or did Tyson supply you grower manuals or
21 handbooks? 10:48AM

22 A Yes, they did.

23 Q Do the integrators, either Tyson or Peterson,
24 conduct any tests on the birds, such as blood tests
25 or other microbiology tests, while they're in your 10:48AM

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1 Peterson?

2 A I think so.

3 Q All right. Is this something that Peterson
4 gave to you?

5 A Since it has Peterson Farms at the top, I 10:58AM
6 would assume, yes, it does.

7 Q Okay. Looking at the second paragraph
8 underneath the chart, it says and I'll read, houses
9 are to be decaked between every flock; do you see
10 that? 10:59AM

11 A Yes.

12 Q Is that something that you were supposed to do
13 when you worked for Peterson?

14 MR. HIXON: Object to form.

15 MR. WILLIAMS: Same objection. 10:59AM

16 A That's something that was recommended.

17 Q Did you in fact do that?

18 A I can't say with 100 percent certainty that
19 the time period I was with Peterson that I did
20 decake between every flock. 10:59AM

21 Q Generally is that what you did do, though?

22 A Generally, yes.

23 Q Would you preheat a house 48 hours in cool
24 weather and 24 hours in warm weather prior to the
25 placement of any chicks? 11:00AM

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